

Plymouth CAST

Multi Academy Trust, Diocese of Plymouth

Whistleblowing Policy and Procedure

Guidance on the application of this policy can be obtained from Plymouth CAST HR support

Email: Personnel@plymouthcast.org.uk

Tel: 01364 645450

Policy adopted by Plymouth CAST Board of Directors at the meeting dated:
23rd November 2016

Signed  (Chair)

Review Cycle: Annual Next Review Date: November 2017



1. Introduction

- 1.1. Plymouth CAST expects all its employees to recognise their obligations to each school within the Multi-Academy Trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with CAST's mission and ethos.
- 1.2. As an employee of Plymouth CAST, you may be the first to realise that there may be something seriously wrong within the organisation. However, you may not wish to express your concerns because you feel that speaking up would be disloyal to colleagues or the organisation. You may also fear harassment or victimisation, and think it may be easier to ignore the concern rather than report it.
- 1.3. Plymouth CAST is committed to the highest standards of openness, probity and accountability. In line with that commitment, we encourage employees, who have serious concerns about any aspect of the Multi-Academy Trust's work, to come forward and voice those concerns.

2. Purpose

- 2.1 Whistleblowing is when an individual knows, or suspects, that there is some wrongdoing occurring within the organisation and alerts the employer or the relevant authority accordingly.
- 2.2 The Public Interest Disclosure Act 1998 gives protection to individuals, casual workers, agency workers and contractors who make a qualifying disclosure when they reasonably believe it is in the public interest for them to do so. A qualifying disclosure is described in 4.1 below.
- 2.3 This whistleblowing policy sets out the means for employees and workers to raise legitimate concerns and the protections provided to them in doing so.

3. Scope

- 3.1 This policy applies to all school based employees and employees based in the central team directly employed by Plymouth CAST.
- 3.2 The policy also applies to governors, volunteers, contractors, consultants, temporary employees and agency workers. Where the wording in this policy refers to 'employee' this can be substituted to include the categories of person mentioned.
- 3.3 This policy covers the actions of third parties such as suppliers, service providers, and clients, as well as our staff. Should you have concerns about a third party, you are encouraged to raise them with us before approaching anyone else.

4. Types of Whistleblowing Concerns?

- 4.1 A qualifying disclosure, under the Public Interest Disclosure Act 1998, which gives protection to the person raising the concern against dismissal and detrimental treatment by their employer, include:
 - any activity you suspect is criminal



- any activity you suspect puts health and safety at risk
 - any activity you suspect may damage the environment
 - any activity you suspect is a miscarriage of justice
 - any activity you suspect is an act of bribery and corruption
 - any failure to comply with legal, financial or regulatory obligations
 - any failure to meet professional requirements e.g. Teachers and Headteachers Standards
 - any attempt to conceal one or more of these activities.
- 4.2 This policy does not cover anything to do with an employee personally. Other policies such as the Grievance Policy and Procedure or Bullying and Harassment Policy will normally cover most personal concerns.
- 4.3 Employees can speak to their manager, Area Advisor, HR or Trade Union Representative if they are not sure whether something they have become aware of is covered by this or another policy.

5. Equal Opportunities

- 5.1 The whistleblowing policy must always be applied fairly and in accordance with employment law and Plymouth CAST Equal Opportunities Policy.

6. Responsibilities

- 6.1 The day-to-day operation of each CAST school is determined by its Local Governing Body and management structure. They are responsible for determining local strategy by applying the shared mission of the dioceses to their local circumstances and for determining the school staffing structure, for appointing staff to that structure and for all aspects of personnel management.
- 6.2 The school's Area Adviser is responsible for ensuring the Local Governing Body and management team have the information they need to identify and respond to their development needs. In the first instance, any questions raised on a range of professional and employment issues will be raised through the Area Advisor.
- 6.3 Plymouth CAST is the single employer of all the employees in its schools. It is the responsibility of CAST HR to make sure that: employment contracts, terms and conditions are applied consistently by Local Governing Bodies; non-school-based employees are employed and managed in accordance with agreed expectations; training and support is made available to Local Governing Bodies and school managers in exercising their responsibilities for their local employees.
- 6.4 The role of the CAST Board of Directors is to ensure that agreed staffing policies and systems of infrastructure are in place and operating effectively to support the local operation of schools and to ensure that the legal requirements of the company are met.
- 6.5 Management and employee representatives who may be involved in whistleblowing matters should be trained and competent for the task. They should



be familiar with the provisions of the whistleblowing policy, and know how to conduct or represent at investigations and hearings.

- 6.6 Advice must be sought by managers from Plymouth CAST HR and/or the school's Area Advisor regarding matters which are thought to invoke whistleblowing proceedings.

7. How to raise a whistleblowing concern (refer to section 4.3 if you are not sure if your concern is covered by this or another policy)

- 7.1 In most cases, an employee should start by raising their concerns with their manager in writing, who will make initial enquiries and refer to CAST HR.
- 7.2 If you would prefer not to go to your manager, or you believe your manager is involved in the concern, or your manager fails to address all your concerns, you should write to:
- The Headteacher or Executive Headteacher (in a school setting); or
 - The Chair of the Governing Body (in a school setting); or
 - The CEO of Plymouth CAST
 - Ultimately, very serious concerns of malpractice may be referred to the Deputy Chair of the Board of Directors
 - All referrals made will be treated in the strictest of confidence and every effort taken to maintain the anonymity of the individual who has made the allegation of wrongdoing
- 7.3 If an employee does not know who to approach, they should, in the first instance, talk to their trade union representative or CAST HR for advice and guidance on how matters can be pursued.
- 7.4 Concerns are best raised in writing, stating that concerns are being raised under this policy with a full explanation of what those concerns are. Include all the key facts, dates, and the names of the people involved where possible. Although an employee is not expected to substantially prove an allegation, they will need to demonstrate that there are sufficient grounds of concern.

8. How concerns may be investigated

- 8.1. In order to protect individuals (and a specific school or the Multi-Academy Trust), initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.
- 8.2. Safeguarding Concerns

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8.2.1 Where concerns raise issues of safeguarding, the matter will be referred to the Local Authority Designated Officer (LADO) who will advise what the best course of action will be.

8.3. In all cases, the best course of action could include:

- The case is best investigated internally
- The matter be referred to the Police
- The concern will form the subject of an independent inquiry
- The concern will be referred to an external auditor
- Or any combination of the above

8.4. Where concerns are referred, the employee will be advised of this. Plymouth CAST shall take no further action in respect of the complaint, until the investigation by the Police, or external organisation the complaint has been referred to, has been completed.

8.5. Some concerns may be resolved by an agreed action without the need for an investigation. This should be recorded.

9. Addressing your concerns

9.1. Any person who is informed by an individual of potential wrongdoing will take immediate action to identify the best way to investigate the situation. In doing so, every possible step will be taken to maintain the anonymity of the individual who has made the allegation of wrongdoing.

9.2. You will be invited to a meeting to discuss your concerns, and you are entitled to be accompanied at this and any subsequent meetings by a colleague or trade union representative. If you bring a companion, you must both agree to keep your disclosures confidential before and after the meeting and during any investigation that may follow.

9.3. After the initial meeting, we will investigate your concerns as deemed appropriate. We may ask you to attend further meetings. To investigate properly, we may involve specialists with particular knowledge or experience of the issues you have raised.

9.4. You will be kept informed about how our investigations are progressing and how long they are likely to take. Sometimes, however, we may be unable to give you details about the investigation (or any action it leads to) as we need to protect confidentiality. We understand this may be frustrating and give you concerns about whether we have actually done anything, and if this happens we will do our best to explain why we are acting in the way we are.

9.5. Employee concerns will be addressed fairly, but we cannot guarantee the outcome of our investigations will be the one you want. If you are not satisfied



with how we have conducted the investigations, you can take the matter to another person of more senior authority for further consideration. In very serious cases matters can be raised with the Deputy Chair of the Board of Directors who has responsibility for whistleblowing at Whistleblowing@plymouthcast.org.uk.

- 9.6. Most concerns are raised in good faith, but occasionally someone makes a false allegation out of malice or because they believe they have something to gain. Anyone who makes a false accusation that is frivolous or vexatious will face action under our disciplinary policy and may be dismissed for misconduct, or even gross misconduct.

10. Confidentiality and anonymity

- 10.1. There is a significant difference between wanting to keep your concerns confidential and making a disclosure anonymously. We actively discourage anonymous whistleblowing.
- 10.2. Employees are always encouraged to raise concerns openly, and if you prefer to do so in confidence we will do all that we can to ensure your identity remains hidden. We may want to disclose your identity to people involved in the investigation, but will always discuss this with you first.
- 10.3. Individuals are protected from reprisals under this policy but if you are still worried we encourage you to discuss this with us and we will explore how far we can go in keeping your concerns confidential.
- 10.4. Concerns raised anonymously are very difficult — and sometimes impossible — to investigate. We cannot properly establish whether your allegations are credible without being able to ask you for more details or for clarification, and this makes it hard to reach an informed decision. This is why we urge you not to report matters anonymously. Where you are not confident about raising matters locally they can be raised through the CAST director responsible for whistleblowing allegations at Whistleblowing@plymouthcast.org.uk.

11. How we protect whistleblowers

- 11.1. Any individual who takes action under the Public Interest Disclosure Act 1998 will be protected from suffering any detriment in relation to the allegations that are made, including victimisation by the organisation or by colleagues.
- 11.2. If the individual does not follow the procedure set out, which encompasses the requirements of the Public Interest Disclosure Act 1998, the protection against detriment will not apply. Disclosing information in an inappropriate way (e.g. contacting the media) could result in disciplinary action being taken against the individual, which could include dismissal.
- 11.3. If you raise a concern in good faith under this policy, we will support you fully even if we find through our investigations that you made a mistake. However, if you feel you have been treated detrimentally as a result of raising a concern, you



must tell us at once. First inform your manager or trade union representative and, if the matter remains unresolved, you must follow the formal process in our grievance procedure.

11.4. All whistleblowers are afforded the same protection. You must not threaten, victimise or harass others who have raised concerns. You will face disciplinary action if we find that you have.

11.5. You can seek further advice on whistleblowing, protecting confidentiality, and being protected from reprisals from the independent charity Public Concern at Work, which offers a confidential helpline on 020 7404 6609; www.pcaw.org.uk.

12. Taking your concerns outside the Company

12.1. This policy outlines the process for raising, investigating, and resolving wrongdoing within the workplace. It should be rarely necessary for anyone outside of Plymouth CAST to become involved when a whistleblowing allegation is made.

12.2. However, if after raising your concerns within Plymouth CAST you are not satisfied with the response, you are entitled to contact a relevant external body to express the concerns. In doing this you should:

- have a reasonable belief that the allegation is based on correct facts
- make the disclosure to a relevant body (i.e. a regulatory body such as Ofsted, the Health and Safety Executive or the Financial Conduct Authority)
- have a reasonable belief it is in the public interest to make the disclosure.

12.3. If you do wish to take the matter outside of Plymouth CAST, you need to ensure that you do not disclose confidential information or that disclosure would be privileged. This can be checked with Public Concern at Work who will also advise on ways to proceed and direct you towards the appropriate regulator for the type of issue you want to raise.

13. Outside Support

- You can contact the School's Local Authority Designated Officer (LADO) specifically for safeguarding issues.
- Public Concern at Work (Independent Charity): Tel: 020 7404 6609 www.pcaw.org.uk/
- The Government has produced a document "Blowing the Whistle to a Prescribed Person – List of Prescribed people and Bodies". It lists the appropriate organisations to handle whistleblowing complaints and should be referred to for up-to-date advice and guidance about who to contact:-
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404330/bis-15-43-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed.pdf

- OFSTED: www.ofsted.gov.uk/contact-us/whistleblower-hotline

14. Contacting the media

14.1. The media is not a relevant external body. Alerting the media to a concern — particularly before or during an internal investigation — is almost never justified or appropriate in any situation. We strongly discourage you from doing so, and will treat any contact with the press as a serious disciplinary issue justifying dismissal unless exceptional circumstances exist. We would normally expect you to have taken all reasonable steps to deal with the matter internally or with an external regulator, and to have taken full advice from a lawyer or Public Concern At Work before being justified in approaching the press.

15. Review

15.1. The content of this policy may be subject to revision from time to time following consultation with the recognised trade unions.

15.2. History of Policy Changes

| Date | Page | Details of the change | Agreed by |
|----------|------|-----------------------|------------------------------|
| 23.11.16 | All | New Policy | The Trust Board of Directors |
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15.3. Policy to be reviewed by the Plymouth CAST Board in consultation with the JCC in November 2017 or when legislation changes or operational reasons arise.